



*Utah State Tax Commission*

# **Utah Real Estate Investment Trust Tax Return And Instructions**

## **Form TC-20REIT**

**1999**

210 N 1950 W  
SLC UT 84134  
(801) 297-2200  
1-800-662-4335  
<http://www.tax.ex.state.ut.us>

### **Important Information Regarding Extension of Time to File**

An extension of time to file your tax return is NOT an extension of time to pay your taxes. You must pay your tax due by the due date. You are automatically allowed an extension of up to six months to file your return. However, if the prepayment requirements have not been met on or before the original due date, penalties will be assessed.

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If you need an accommodation under the Americans with Disabilities Act, contact the Tax Commission at (801) 297-3811 or Telecommunications Device for the Deaf (TDD) (801) 297-3819. Please allow three working days for a response.

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**Need more information?** You can find additional tax information and forms on the Tax Commission's web page, at: <http://www.tax.ex.state.ut.us>

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# General Instructions and Information

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## Who Must File

Every real estate investment trust (REIT) or fund of such company, as defined in IRC Section 856, that is registered or doing business in Utah shall file form TC-20REIT. Doing business in Utah includes owning an interest in Utah real property.

## When to File

Returns shall be filed on or before the 15th day of the fourth month following the close of the taxable year.

## Filing Extension

***An extension of time to file your tax return is NOT an extension of time to pay your taxes.*** You are automatically allowed an extension of up to six months to file your return. ***However, if the prepayment requirements have not been met on or before the original due date, penalties will be assessed.***

## Prepayment Requirements

Every real estate investment trust having a Utah tax liability of \$3,000 or more in the current year, or which had a tax liability of \$3,000 or more in the previous year, must make quarterly estimated tax prepayments.

A real estate investment trust is not subject to the prepayment requirements for the first year that real estate investment trust is required to file a return in Utah if the real estate investment trust makes a payment on or before the due date, without extension, equal to or greater than the minimum tax.

Prepayments are due in four equal payments on the 15th day of the 4th, 6th, 9th and 12th months of the real estate investment trust's taxable year. Real estate investment trusts may elect to make the quarterly prepayments equal to 90 percent of the current year's tax or 100 percent of the prior year's tax. As defined in Section 6655, Internal Revenue Code, the applicable percentage of the required annual payment for annualized income installments, for adjusted seasonal installments, and for estimated tax payments based on the current year tax liability is the following:

<b>Installment</b>	<b>Percentage</b>
1st	22.5
2nd	45.0
3rd	67.5
4th	90.0

If a taxpayer elects a different annualization period than the period used for federal purposes, the

taxpayer must make an election with the Tax Commission at the same time as provided in Section 6655, Internal Revenue Code. Prepayments should be made with form TC-559, Corporation Tax Payment Coupon Booklet.

Real estate investment trusts not making the required tax prepayments are subject to a penalty as stated in Penalties, below.

## Tax Rate

There is a minimum tax (privilege tax) of \$100 on every real estate investment trust regardless of whether the real estate investment trust exercises its right to do business.

## Exceptions to Penalty

1. **Annualized Exception:** A real estate investment trust may annualize its income before determining the amount of each installment. It is recommended that federal guidelines be followed in determining annualized income. If the real estate investment trust meets the annualized exception at the federal level, for any installment, indicate by checking the appropriate box(es) on form TC-20REIT, line 14.
2. **Recurring Seasonal Exception:** A real estate investment trust with recurring seasonal income may annualize its income before determining the amount of each installment. It is recommended that federal guidelines be followed in determining seasonal income. If the real estate investment trust meets the seasonal exception at the federal level, for any installment, indicate by checking the appropriate box(es) on form TC-20REIT, line 14.
3. **Prepayment of minimum tax:**
  - a. Real estate investment trusts that met the prepayment requirement in the **current** year and had a tax liability of \$100 (the minimum tax) for the previous year, may choose to prepay the minimum tax amount of \$100 on the 15th day of the 12th month instead of four increments of \$25.
  - b. Real estate investment trusts that met the prepayment requirement in the **previous** year and have a tax liability of \$100 (the minimum tax) in the current year, may choose to prepay the minimum tax amount of \$100 on the 15th day of 12th month instead of four increments of \$25. In this scenario, the real estate investment trust must pay \$100, not 90 percent.

## Penalties

The penalty for **failure to file a tax due return** by the due date is the greater of \$20 or 10 percent of the tax due. In addition, if a tax balance remains unpaid 90

Utah State Tax Commission  
210 N 1950 W, Salt Lake City Utah 84134

**Utah Income Tax Return For  
Real Estate Investment Trusts**

**1999**  
**TC-20**  
**REIT**  
Rev. 12/99

This return is for the calendar year ending Dec. 31, 1999, or fiscal year beginning \_\_\_\_\_ and ending \_\_\_\_\_.

☐ Check box if name or address changed.

☐ AMENDED RETURN

See page 2 for "THE REASONS FOR AMENDING" and enter the number in this box

Corporation name			Employer Identification Number
Address			Utah Charter Number
			Telephone Number ( )
City	State	ZIP Code	

1. Net income/loss (Federal form 1120-REIT, line 22) .....

2. Federal net operating loss deduction (Federal form 1120-REIT, line 21a) .....

3. Apportionable income (add lines 1 and 2) ..... •

4. Apportionment fraction (100% or Schedule J, line 7) .....

5. Utah taxable income/loss (line 3 multiplied by line 4) ..... •

If line 5 is a (loss), did you elect to forego the Federal net operating loss carryback? You must select Yes or No. If you make no selection, it is assumed your answer is No - treated as carryback. •

If an election to forego a loss carryback for federal purposes has been made, a similar election is deemed made for Utah purposes unless a Utah election is made to carry back Utah net losses. Once made, an election to forego the loss carryback is irrevocable for that taxable year.

6. Utah net loss carried forward from prior years (attach documentation)(see instructions page 3)

7. Net taxable income (line 5 less line 6) ..... •

8. Tax (line 7 multiplied by .05, or \$100 minimum tax due, whichever is greater) ..... •

9. Total the amounts listed below and enter on this line .....

Extension penalty	\$ _____	Interest	\$ _____
Late payment penalty	\$ _____	Penalty for underpayment	
Late filing penalty	\$ _____	of required prepayment	\$ _____

10. Total tax, penalties, and interest due (add lines 8 and 9) .....

11. Total prepayments (Schedule E, line 4) ..... •

12. Total remitted (if line 10 is larger than line 11, subtract line 11 from line 10) ..... •

**Make check payable to: UTAH STATE TAX COMMISSION**

13. Total refund (if line 11 is larger than line 10, subtract line 10 from line 11) ..... •

14. Check box(es) corresponding with installments that qualify for exceptions  
(see Prepayment Requirements, page 1) Attach supporting documentation

**NOTE: ATTACH A COPY OF FEDERAL FORM 1120-REIT TO THIS RETURN.**

**Under penalties of perjury, I declare that to the best of my knowledge and belief, this return and accompanying schedules are true, correct, and complete.**

Signature of officer

Date

Title

<b>Paid Preparer's Section</b>	Preparer's signature	Date signed	Check if self-employed <input type="checkbox"/>	Preparer's social security no.	
	Firm's name (or yours if self-employed)			E.I. number	
	Preparer's complete address		City	State	ZIP code

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## General Instructions and Information

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Real estate investment trusts should refer to the Corporation Franchise or Income Tax instructions, form TC-20 Booklet, to obtain information regarding the following:

- Corporation changes
- Suspension for failure to file or to pay tax due
- Amended returns

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## Supplemental Information To Be Supplied By All Real Estate Investment Trusts

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NOTE: An automatic extension of the statute of limitations relating to assessments of tax is provided by Utah Code Ann. Section 59-7-519 for failure to report fully the information required.

1. What is the last year for which a federal examination has been completed?


Under separate cover, send a summary and supporting schedules for the federal adjustments and the federal tax liability for each year for which federal audit adjustments have not been reported to the Tax Commission and indicate date of final determination. Forward information to Utah State Tax Commission, Auditing Division, 210 North 1950 West, Salt Lake City, Utah 84134-0300.

2. For what years are federal examinations now in progress, or final determination of past examinations still pending?


3. For what years have extensions for proposing additional assessments of federal tax been agreed to with the Internal Revenue Service?


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### SCHEDULE E PREPAYMENTS OF ANY TYPE

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#### Extension of Time To File

This is an extension of time to file your return - NOT an extension of time to pay your taxes. You are automatically allowed an extension of up to six months from your original due date to file your return. However, if the prepayment requirements (see instructions) have not been met on or before the original due date, penalties will be assessed.

1. Overpayment applied from prior year .....	1.	
2. Extension prepayment    Date _____ Check number _____ .....	2.	
3. Other prepayments (attach sheet if necessary)		
a. Date _____ Check number _____	3a.	
b. Date _____ Check number _____	3b.	
c. Date _____ Check number _____	3c.	
d. Date _____ Check number _____	3d.	
<b>Total of other prepayments</b> (add lines 3a through 3d) .....	3.	
4. Total prepayments (add lines 1, 2, and 3, enter on this line and on TC-20 REIT, line 11) .....	4.	

# Schedule J - Apportionment Schedule

TC- 20 J  
Rev. 12/99

Corporation Name	Taxable Year Ending	Employer Identification Number
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Describe briefly the nature and location(s) of your Utah business activities:

	Inside Utah Column A			Inside and Outside Utah Column B	
<b>1. Tangible Property</b>					
(a) Land .....	1(a)		00	•	00
(b) Depreciable assets .....	1(b)		00	•	00
(c) Inventory and supplies .....	1(c)		00	•	00
(d) Rented property .....	1(d)		00	•	00
(e) Other tangible property .....	1(e)		00	•	00
<b>2. Total Tangible Property</b> (total 1(a) through 1(e))	2		00	•	00
(a) Fraction (column (A), line 2 divided by column (B), line 2)				2(a)	
<b>3. Wages, salaries, commissions, and other includable compensation</b>	3		00	•	00
(a) Fraction (column (A), line 3 divided by column (B), line 3)				3(a)	
<b>4. Gross Receipts from Business</b>					
(a) Sales (gross receipts less returns and allowances)	4(a)				00
(b) Sales delivered or shipped to Utah purchasers:	4(b1)		00		
(1) Shipped from outside Utah .....	4(b2)		00		
(2) Shipped from within Utah .....	4(c1)		00		
(c) Sales shipped from Utah to:	4(c2)		00		
(1) United States Government .....					
(2) Purchasers in a state(s) where the taxpayer has no nexus (The corporation is not taxable in the state of purchaser)					
(d) Rent and royalty income .....	4(d)		00	•	00
(e) Service income (attach schedule) .....	4(e)		00	•	00
<b>5. Total Sales and Services</b> (total 4(a) through 4(e))	5		00	•	00
(a) Fraction (column (A), line 5 divided by column (B), line 5)				5(a)	
<b>6. Total of lines 2a, 3a, and 5a</b>				6	
7. Calculate the <b>Apportionment Fraction</b> to <b>six decimals</b> : (line 6 divided by 3 or the number of factors present) (Also enter on TC-20REIT, line 4)				7	

**NOTE: This schedule is to be used only if income is taxable in another state and should be apportioned to Utah.**